

225813

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-167 (Sub- No. 1190X)



**CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION –
IN HUDSON COUNTY, NJ**

SUPPLEMENT TO MOTION FOR PROTECTIVE ORDER

1. Now come Eric Strohmeier and James Riffin who herewith file this Supplement to their Motion for Protective Order.
2. Appended hereto are highly confidential letters from shippers, and a highly confidential Verified Statement executed by Mr. Riffin. The Offerors and the authors of the shipper letters do not want the information contained in these documents to be a part of the public record.
3. A copy of this confidential information was mailed to counsel for Conrail, and is subject to the Undertakings executed by those attorneys.

E. Strohmeier
Eric S. Strohmeier

Respectfully,

James Riffin
James Riffin

ENTERED
Office of Proceedings

OCT 1 2009

Part of
Public Record

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2009, a copy of the foregoing Supplement to Motion for Protective Order was mailed via first class mail, postage prepaid, to the parties of record in this proceeding (Conrail, NJT).

James Riffin
James Riffin

HIGHLY CONFIDENTIAL
SEPTEMBER 30, 2009 VERIFIED STATEMENT OF JAMES RIFFIN

1. My name is James Riffin. I am over the age of 18 and I am qualified and authorized to make this Verified Statement.
2. This Highly Confidential Verified Statement is being submitted to the Board under seal, and is subject to the Undertaking accompanying the Offerors' Motion for a Protective Order.
3. This Verified Statement contains confidential proprietary information provided to me by [REDACTED] the President and CEO of [REDACTED] by [REDACTED] the CEO of [REDACTED] [REDACTED], and by [REDACTED] the [REDACTED] for [REDACTED]. The information was provided to me on the condition that this information would not be made public, would not be disclosed to any other entity, and would be viewed only by the Board and only by counsel for Conrail.
4. On September 28, 2009, I had a 2-hour meeting with [REDACTED] [REDACTED]. During this meeting he stated that he has a high desire to utilize the Offerors' proposed Jersey City transload facility. [REDACTED]

Redacted

7. Eric Strohmeyer and I had a number of conversations with [REDACTED]

Redacted

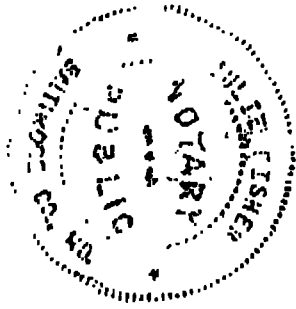
10. I hereby certify under the penalties of perjury that the above is true and correct to the best of my knowledge, information and belief.

Executed on September 30, 2009


James Riffin

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:


I HEREBY CERTIFY, that on this 30th Day of September, 2009, before me, a Notary Public of said State, personally appeared James Riffin, known to me or satisfactorily proven to be the person whose name is subscribed to the within Verified Statement, and who acknowledged that he executed the same, for the purposes therein contained.



AS WITNESS my hand and notarial seal.

My commission expires: Aug. 28, 2010

JULIE FISHER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 28, 2010


Notary Public

SHIPPER Letterhead
Redacted

September 28, 2009

Ex H-1

Anne Quinlin, Secretary
Surface Transportation Board
395 E. St. SW
Washington, DC 20423

Dear Secretary Quinlin:

Mr. Eric Strohmeier and Mr. James Riffin have [REDACTED]
they are attempting to acquire a portion of the former Lehigh Valley Railroad right-of-
way in Jersey City, NJ, for the purpose of creating an aggregates transload facility. They
propose [REDACTED]

[REDACTED] support their efforts to create an aggregates transload
facility in Jersey City. Presently, [REDACTED]
rail to Jersey City, then trucking the aggregates the last few miles, makes better economic
sense, and would diminish the congestion of New Jersey's overcrowded roads.

Two new massive public works projects have just begun: The construction of
another rail tunnel the Hudson River from Secaucus to Manhattan, and the reconstruction
of the Portal railway bridge. These two projects will consume millions of tons of
aggregates. It would make good economic sense to ship aggregates via rail to Jersey
City, then truck the aggregates the last few miles from Jersey City to Secaucus.

If you have any questions, feel free to call me any time.

Regards,
[REDACTED]
[REDACTED]

SHIPPER Letterhead
Redacted

Dated: September 28, 2009

Anne K. Quinlan, Secretary
Surface Transportation Board
395 E St. SW
Washington, DC 20423

Ex H-2

Re: STB Docket Number # AB 167 (Sub# 1190) X
Consolidated Rail Corporation
Abandonment Exemption
In Hudson County, New Jersey

Dear Secretary Quinlan,

I am writing to you today on behalf of [REDACTED]

Mr. Eric Strohmeier and Mr. James Riffin have advised [REDACTED] of their efforts to acquire a portion of the Conrail "Lehigh Valley" line in Jersey City, NJ. They are proposing to build a railroad operated trans-load facility for aggregates in Jersey City, right off of exit 14 B, off the NJ Turnpike.

P. 2

[REDACTED] supports their efforts to create an aggregates trans-load facility in Jersey

In addition, two new massive public works projects have just begun: Construction of another pair of rail tunnels under the Hudson River from Secaucus to Manhattan; and the reconstruction of Amtrak's "Portal" Drawbridge over the Hackensack River. These two projects will consume millions of tons of aggregates. Mr. Strohmeier's and Mr. Riffin's proposed aggregate facility is being designed to support these two public projects.

In conclusion, [REDACTED] supports Mr. Strohmeier's and Mr. Riffin's efforts to acquire Conrail's Lehigh Valley right-of-way in Jersey City, NJ. [REDACTED] believes short haul rail movements like the one proposed are essential to reducing highway congestion in the greater New York City metropolitan area.

If you have any questions, feel free to call me anytime.

Sincerely,

EX H-2

[REDACTED]

SEPTEMBER 18, 2009 VERIFIED STATEMENT OF ERIC S. STROHMEYER

My name is Eric S. Strohmeyer, I am over the age of 18 and I am qualified to make this Verified Statement.

The purpose of this Verified Statement is reduce to writing the content of a conversation ("Conversation") I had on September 9, 2009, at approximately 4:30 pm, with [REDACTED]

Redacted

Redacted

I hereby certify under the penalties of perjury that the above is true and correct to the best of my knowledge, information and belief.


Eric S. Strohmeyer

State of Maryland, Baltimore County, to Wit:

I hereby certify that on this 18th day of September, Eric S. Strohmeyer, known to me or satisfactorily proven to be the within named person, did sign and execute the above Verified Statement for the purposes contained therein.

My Commission expires: 7-20-2012


Notary Public

PAUL T. HATCHER
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES JULY 20, 2012

**Re: Finance Docket# AB 167 -1190 Consolidated Rail Corporation - Abandonment
Exemption - In Hudson County, NJ**

Dear Acting Secretary Quinlan,

A number of weeks ago, [REDACTED] was approached by Messrs. Jim Riffin and Eric
Strohmeyer about the possibility of [REDACTED]

Redacted

However, [REDACTED] would like, at this time, to express support for this OFA. If we do not
show a significant interest now, the Board might interpret our silence to be a lack of support.

That would be contrary to our position. We do support it, but we can not provide a lot of intricate detail at this time.

[REDACTED] are looking forward to working together to develop a [REDACTED], completing our cost analysis, and bringing this new exciting opportunity to fruition.

Should you have any question, please fell free to contact me,

Sincerely,

[REDACTED]
[REDACTED]

Redacted